

Notice of Allowability

Application No.

10/046,030

Examiner

Maureen M. Wallenhorst

Applicant(s)

HELLER, ZINDEL HERBERT

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received on June 13, 2005.
2. ☒ The allowed claim(s) is/are 59, 64-65, 69-71, 75-77, 81-82, 84, 86-90, 92-96, 98-102, 104-107, 109, 113-115, 119-121, 125-127, 131-133, 135-139, 141-145, 147-151, 153-156 (renumbered 1-63).
3. ☒ The drawings filed on 07 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Conard on June 20, 2005.

On page 9, line 25 of the specification, the phrase "Fig. 10 illustrates an equivalent circuit model" was changed to "Figs. 10 and 11 illustrate equivalent circuit models—so as to provide a brief description for Figure 11.

On lines 3, 6 and 14 of claim 59, the phrase "a blood fraction" was changed to "blood fraction--". On the last line of claim 59 before the period, the following phrase was inserted: "--to provide the concentration of glucose in the blood, blood fraction or control--".

On lines 3 and 15 of claim 84, the phrase "a blood fraction" was changed to "blood fraction--". On line 4 of claim 84, the word "affects" was changed to "affect--". On line 5 of claim 84, the phrase "a device for performing" was changed to "a device that performs--". On line 13 of claim 84, the phrase "the device further being for" was changed to "the device further--". On line 19 of claim 84, the phrase "the device further being for removing" was changed to "the device further removing--".

On lines 1-2 of claims 86-87, the phrase "being a device for" was deleted.

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On lines 1-2 of claim 88, the phrase “the device being a device for performing the second measurement of a” was changed to –wherein the second measurement is a--.

On lines 1-2 of claim 89, the phrase “the device being a device for performing the first measurement of a” was changed to –wherein the first measurement is a--.

On line 2 of claim 90, the phrase “the biological fluid” was changed to –the blood, blood fraction or control--.

On lines 1-2 of claim 92 and line 2 of claim 93, the phrase “being a device for” was deleted.

On lines 1-2 of claim 94, the phrase “the device being a device for performing the second measurement of a” was changed to –wherein the second measurement is a--.

On lines 1-2 of claim 95, the phrase “the device being a device for performing the first measurement of a” was changed to –wherein the first measurement is a--.

On lines 1-2 of claim 96, the phrase “the device being a device for performing first and second measurements which exhibit” was changed to –wherein the first and second measurements exhibit--.

On lines 1-2 of claims 98-99, the phrase “being a device for” was deleted.

On lines 1-2 of claim 100, the phrase “the device being a device for performing the second measurement of a” was changed to –wherein the second measurement is a--.

On lines 1-2 of claim 101, the phrase “the device being a device for performing the first measurement of a” was changed to –wherein the first measurement is a--.

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On lines 1-2 of claim 102, the phrase “the device being a device for performing first and second measurements which exhibit” was changed to –wherein the first and second measurements exhibit--.

On lines 1-2 of claims 104-105, the phrase “being a device for” was deleted.

On lines 1-2 of claim 106, the phrase “the device being a device for performing the second measurement of a” was changed to –wherein the second measurement is a--.

On lines 1-2 of claim 107, the phrase “the device being a device for performing the first measurement of a” was changed to –wherein the first measurement is a--.

On the last line of claim 109 before the period, the following phrase was inserted: --to provide the concentration of glucose in the blood, blood fraction or control--.

On lines 3, 7 and 13 of claim 133, the phrase “a blood fraction” was changed to –blood fraction--. On lines 5-6 of claim 133, the phrase “a device for performing” was changed to –a device that performs--. On lines 12-13 of claim 133, the phrase “the device also being a device for performing” was changed to –the device further performing--. On line 17 of claim 133, the phrase “the device also being a device for removing” was changed to –the device further removing--.

On line 2 of claims 135-136, the phrase “being a device for” was deleted.

On lines 1-2 of claim 137, the phrase “the device being a device for performing the second measurement of a” was changed to –wherein the second measurement is a--.

On lines 1-2 of claim 138, the phrase “the device being a device for performing the first measurement of a” was changed to –wherein the first measurement is a--.

On line 2 of claim 139, the phrase “a blood fraction” was changed to –blood fraction--.

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On line 2 of claims 141-142, the phrase “being a device for” was deleted.

On lines 1-2 of claim 143, the phrase “the device being a device for performing the second measurement of a” was changed to –wherein the second measurement is a--.

On lines 1-2 of claim 144, the phrase “the device being a device for performing the first measurement of a” was changed to –wherein the first measurement is a--.

On lines 1-2 of claim 145, the phrase “the device being a device for performing first and second measurements which exhibit” was changed to –wherein the first and second measurements exhibit--.

On line 2 of claim 147 and lines 1-2 of claim 148, the phrase “being a device for” was deleted.

On lines 1-2 of claim 149, the phrase “the device being a device for performing the second measurement of a” was changed to –wherein the second measurement is a--.

On lines 1-2 of claim 150, the phrase “the device being a device for performing the first measurement of a” was changed to –wherein the first measurement is a--.

On lines 1-2 of claim 151, the phrase “the device being a device for performing first and second measurements which exhibit” was changed to –wherein the first and second measurements exhibit--.

On line 2 of claim 153 and lines 1-2 of claim 154, the phrase “being a device for” was deleted.

On lines 1-2 of claim 155, the phrase “the device being a device for performing the second measurement of a” was changed to –wherein the second measurement is a--.

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On lines 1-2 of claim 156, the phrase "the device being a device for performing the first measurement of a" was changed to --wherein the first measurement is a--.

2. Reasons for allowance can be found in the previous Office action mailed on March 10, 2005.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maureen M. Wallenhorst whose telephone number is 571-272-1266. The examiner can normally be reached on Monday-Wednesday from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden, can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maureen M. Wallenhorst
Primary Examiner
Art Unit 1743

mmw

June 21, 2005

Maureen M. Wallenhorst
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PRIMARY EXAMINER
GROUP ~~1000~~ 1700